

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4323 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MUKHTIYAR SINGH

Versus

STATE BANK OF BIKANER & JAIPUR

Appearance:

MR IS SUPEHIA for Petitioner
MR AS VAKIL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/09/2000

ORAL JUDGEMENT

1. Both the counsel for the parties are in agreement that this matter is squarely covered by the decision of the Hon'ble Supreme Court in Civil Appeal No.6959 of 1997 decided on 5th April, 2000. Shri Vakil, counsel for the respondents further agrees that the petitioner is

entitled for pension.

2. The petitioner retired from the services w.e.f. 29-2-1988. However, in the special civil application, he claims the pension w.e.f. 1-11-1993 and this claim deserves acceptances and accordingly, the respondents are directed to give pensionary benefits to the petitioner w.e.f. 1-11-1993. Necessary calculation of the amount of pension and arrears thereof has to be made within a period of one month from the date of receipt of writ of this order. However, this benefit will be available to the petitioner subject to the condition that he returns back to the Bank without interest the amount of Employer's contribution towards the provident fund. So far as the claim of the petitioner for interest is concerned, in the facts of this case, it deserves no acceptances and it is disallowed. Rule is made absolute accordingly with no order as to costs.

zgs/-